



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2017 Biennium

<b>Bill #</b>	HB0633	<b>Title:</b>	Revise laws related to filming law enforcement officers
<b>Primary Sponsor:</b>	Mortensen, Dale	<b>Status:</b>	As Introduced

- |                                                           |                                                        |                                                          |
|-----------------------------------------------------------|--------------------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> Significant Local Gov Impact     | <input type="checkbox"/> Needs to be included in HB 2  | <input checked="" type="checkbox"/> Technical Concerns   |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

### FISCAL SUMMARY

	<u>FY 2016 Difference</u>	<u>FY 2017 Difference</u>	<u>FY 2018 Difference</u>	<u>FY 2019 Difference</u>
<b>Expenditures:</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Revenue:</b>				
General Fund	\$5,500	\$5,500	\$5,500	\$5,500
<b>Net Impact-General Fund Balance:</b>	<u>\$5,500</u>	<u>\$5,500</u>	<u>\$5,500</u>	<u>\$5,500</u>

**Description of fiscal impact:** This legislation directs the Department of Commerce to create and permit the filming of law enforcement officers on private land. Each permit is only valid for six months. Law enforcement agencies are then allowed to approve the content of any recording before the content may be aired.

### FISCAL ANALYSIS

#### Assumptions:

#### **Department of Commerce**

1. The department will be required to develop a permit form for filming of law enforcement officers on private land.
2. The permit would not include property specific information.
3. A person employed by, or for, or contracting directly or indirectly with a television or film production company who is accompanying and filming for distribution a law enforcement officer conducting official duties on private property must obtain the permit.
4. A permit must be issued upon application and payment of a \$100 fee. The bill is unclear as to where said fee is to be deposited. For the purposes of this fiscal note, it is assumed to be the general fund. Additionally, said fee shall apply to each law enforcement agency whose officer the person or company will accompany or film.

5. Each permit is only valid for six months.
6. The person who obtains the permit must obtain a release waiver from any person who is filmed interacting with a law enforcement officer.
7. A law enforcement agency that allows a law enforcement officer to be accompanied and filmed retains full control over the content of any recordings and must approve its use and any edited version of the content before the content or edited content may be air.
8. This bill applies to news agencies reporting on private land.
9. There are approximately 20 news agencies in Montana.
10. These news agencies would apply for a permit for a single law enforcement agency two times a year in order to ensure that they could capture news stories as they occur throughout the year. (2 x 6 months = 12 months).
11. It is estimated that there may be up to 15 other productions in the state that might be affected by this legislation.
12. Permitting fees would equal \$5,500 annually. ((20 news stations x 2 permits x \$100 (single law enforcement agency permit) = \$4,000) + (15 other productions x \$100 (single law enforcement agency permit) = \$1,500)). Please see the technical notes below.

	<b><u>FY 2016 Difference</u></b>	<b><u>FY 2017 Difference</u></b>	<b><u>FY 2018 Difference</u></b>	<b><u>FY 2019 Difference</u></b>
<b><u>Fiscal Impact:</u></b>				
<b><u>Expenditures:</u></b>				
<b>TOTAL Expenditures</b>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b><u>Funding of Expenditures:</u></b>				
<b>TOTAL Funding of Exp.</b>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b><u>Revenues:</u></b>				
General Fund (01)	<u>\$5,500</u>	<u>\$5,500</u>	<u>\$5,500</u>	<u>\$5,500</u>
<b>TOTAL Revenues</b>	<u>\$5,500</u>	<u>\$5,500</u>	<u>\$5,500</u>	<u>\$5,500</u>
<b><u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u></b>				
General Fund (01)	\$5,500	\$5,500	\$5,500	\$5,500

**Technical Notes:**

1. The bill's definition of "law enforcement officer" causes concern because of the large scope of officers whom are trained and certified by the Department of Justice's public safety officer standards and training council. It applies to railroad officials, department of corrections officers, probation officers, emergency dispatchers, and any corrections officer who has 'part-time authority or responsibility' regarding inmate custody.
2. Most news agencies would likely be required to obtain permits from multiple law enforcement agencies. For example, a Yellowstone County news agency would likely need to obtain permits from law enforcement agencies such as the Yellowstone County Sheriff's Department, the Billings Police Department, the Laurel Police Department, the Montana Highway Patrol, the Department of Corrections, and the Department of Fish Wildlife and Parks to name a few. This fiscal note does not attempt to quantify news agencies needing

to obtain multiple permits as required in the bill. Additionally, news agencies may need a quick response time and there is no provision of that in the bill.

3. The “release waiver” under Section 1 (5) is undefined and therefore subject to interpretation and the standards set forth by the filming entity. Furthermore, the bill does not allow the department to adopt administrative rules that would assist in the implementation of the bill. HB 633 should be amended to grant the department rulemaking authority so the bill, if passed, can be properly implemented.

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*Sponsor's Initials*

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*Date*

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*Budget Director's Initials*

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*Date*